

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

PATTI'S PITAS, LLC, QUEEN CITY TOURS,  
MARK A. BABBITT, DDS, INC., IDEAL  
SALES, INC., LYTLE CAFÉ, and INDIAN TREE  
CHIROPRACTIC, P.C., individually and on  
behalf of all others similarly situated,

Plaintiffs,

v.

WELLS FARGO MERCHANT SERVICES, LLC,

Defendant.

CIVIL ACTION NO.

1:17-cv-04583 (AKT)

**PLAINTIFFS' NOTICE OF  
MOTION AND UNOPPOSED  
MOTION FOR FINAL  
APPROVAL OF CLASS  
ACTION SETTLEMENT**

**PLEASE TAKE NOTICE** that Plaintiffs Patti's Pitas, LLC, Queen City Tours, Mark A. Babbitt, DDS, Inc., Ideal Sales, Inc., Lytle Café, and Indian Tree Chiropractic, P.C. (collectively, "Plaintiffs") will and hereby do move the Court, before the Honorable A. Kathleen Tomlinson, U.S.M.J., at the United States District Courthouse for the Eastern District of New York, located at 100 Federal Plaza, Central Islip, New York 11722, on July 22, 2021 at 11:00 a.m., for an order granting Plaintiffs' Unopposed Motion for Final Approval of the Class Settlement Agreement and Release, dated January 12, 2021 ("Settlement") entered into by the parties in this matter.

This motion is based on this notice of motion and motion, the accompanying memorandum of points and authorities, the Settlement<sup>1</sup> including all exhibits thereto, the Supplemental Joint Declaration of E. Adam Webb and Roger N. Heller filed herewith, the Declaration of Jason Rabe (representing Settlement Administrator Rust Consulting) filed herewith, the materials filed in support of Plaintiffs' motion for preliminary settlement approval, the Court's Preliminary Approval Order dated February 8, 2021 (Dkt. 61), the argument of

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<sup>1</sup> The Settlement is on file at Dkt. 58-2, Ex. A.

counsel, all papers and records on file in this matter, and such other matters as the Court may consider.

As discussed in the accompanying memorandum, the requested relief is appropriate because the Settlement satisfies the standards for final approval under Fed. R. Civ. P. 23 and Second Circuit precedent.

DATED this 7th of May, 2021

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 7th day of May, 2021, I caused the foregoing document to be electronically filed with the Clerk of Court using the CM/ECF system which automatically sends email notification of such filing to all attorneys of record.

/s/ E. Adam Webb

E. Adam Webb